

3146/18w  
18w

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	Examiner:
R.BAHNEN, et al.	)	
	)	Art Unit: 3746
Serial No.: 10/516,562	)	
	)	Confirmation: 5128
Filed: June 16, 2005	)	
	)	
For: <b>TWO-SHAFT VACUUM</b>	)	
<b>PUMP</b>	)	
	)	
Attorney Docket No.:	)	Cleveland, OH 44114
LYBZ 2 00088	)	July 7, 2005

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner For Patents  
Customer Service Center - Initial Patent Examination Division  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

The applicants hereby request a corrected Filing Receipt for the above-referenced patent application. The Filing Receipt issued June 28, 2005 by the U.S. Patent and Trademark Office incorrectly lists the applicants of the subject application, specifically by omitting the second and third applicants.

In particular, the present application lists three co-applicants/inventors: (1) Rudolf BAHNEN, (2) Josef HODAPP, and (3) Karl-Heinz RONTHALER. This correct information was clearly provided to the U.S. Patent Office with the original submission of documents on November 29, 2004 (see Exhibit 1 - a copy of the cover page of the Transmittal Letter to the US DO/EO/US), and in the Declaration for Patent Application (Exhibit 2).

Certificate of Mailing

I certify that this **REQUEST FOR CORRECTED FILING RECEIPT** and **NOTED EXHIBITS** in connection with Ser. No. 10/516,562 are being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to:  
Commissioner for Patents, Customer Service Center, Initial Patent Examination Division, P.O. Box 1450,  
Alexandria, VA 22313-1450 on the date indicated below.

Date
July 7, 2005

Signature <i>Hilary McNulty</i>
Printed Name Hilary M. McNULTY

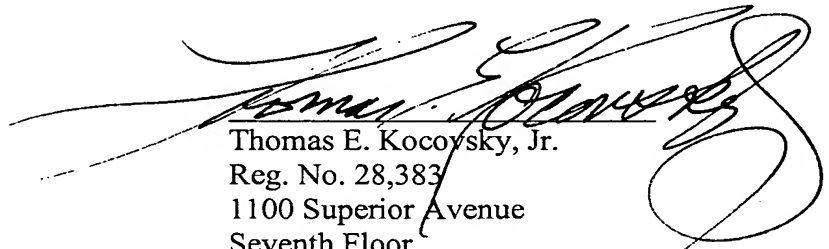
The issued Official Filing Receipt (Exhibit 3) incorrectly lists the applicants, omitting Josef HODAPP, and Karl-Heinz RONTHALER. The applicants hereby request a corrected filing receipt, properly listing all three applicants.

Because the error in the filing date is a result of the Patent Office mistake, it is submitted that no fee is due. This discrepancy was discovered upon reviewing the Filing Receipt which was received on July 1, 2005. This paper is being filed promptly, within a few days, of the receipt of the erroneous Filing Receipt.

Early issuance of a corrected Filing Receipt is hereby earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2518  
(216) 861-5582

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

LYBZ 2 00088

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.

PCT/EP03/05402

INTERNATIONAL FILING DATE

23 May 2003 (23.3.2003)

PRIORITY DATE CLAIMED

29 May 2002 (29.5.2002)

TITLE OF INVENTION

TWO-SHAFT VACUUM PUMP

APPLICANT(S) FOR DO/EO/US

Rudolf Bahnen, Josef Hodapp, and Karl-Heinz Ronthaler

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

Exhibit 1

**DECLARATION FOR PATENT APPLICATION**

As the below named inventors, we hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our names.

We believe we are the original, joint, and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DUAL-SHAFT VACUUM PUMP**

- ☒ the specification of which is attached hereto
- ☐ the specification of which was filed with the U.S. Patent and Trademark Office on \_\_\_\_\_ and accorded U.S. Application Serial No. \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Entry of PCT/EP03/05402; Filed May 23, 2003.**

**Priority German Patent Application No. DE 102 23 869.3;  
Filed May 29, 2002 in Germany.**

We hereby claim benefit under Title 35, United States Code § 119(e) of any United States provisional applications listed below:

None

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112. We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

None

We hereby appoint all attorneys associated with Customer No. 027885.

Address all telephone calls to: Thomas E. Kocovsky, Jr., (216) 861-5582

Address all correspondence to:

FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2518

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Rudolf \_\_\_\_ BAHNEN

Inventor's signature: *Rudolf Bahn*

Date: 20-10-2004

Residence: Roetgenbachstrasse 33, 52159 Roetgen GERMANY

Citizenship: German

Post Office Address: Roetgenbachstrasse 33, 52159 Roetgen GERMANY

Full name of second joint inventor: Josef \_\_\_\_ HODAPP

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Simmerer Strasse 7b, 50935 Köln GERMANY

Citizenship: German

Post Office Address: Simmerer Strasse 7b, 50935 Köln GERMANY

Full name of third joint inventor: Karl-Heinz RONTHALER

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Neusser Strasse 15, 53909 Zulpich, GERMANY

Citizenship: DE

Post Office Address: Neusser Strasse 15, 53909 Zulpich, GERMANY

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Full name of first joint inventor: Rudolf \_\_\_\_ BAHNEN

Inventor's signature \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Roetgenbachstrasse 33, 52159 Roetgen GERMANY

Citizenship: German

Post Office Address: Roetgenbachstrasse 33, 52159 Roetgen GERMANY

Full name of second joint inventor: Josef \_\_\_\_ HODAPP

Inventor's signature: Josef Hodapp

Date: 20-10-2004

Residence: Simmerer Strasse 7b, 50935 Köln GERMANY

Citizenship: German

Post Office Address: Simmerer Strasse 7b, 50935 Köln GERMANY

Full name of third joint inventor: Karl-Heinz RONTHALER

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Neusser Strasse 15, 53909 Zülrich, GERMANY

Citizenship: DE

Post Office Address: Neusser Strasse 15, 53909 Zülrich, GERMANY

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Cleveland, Ohio 44114-2518

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Rudolf \_\_\_\_ BAHNEN

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Roetgenbachstrasse 33, 52159 Roetgen GERMANY

Citizenship: German

Post Office Address: Roetgenbachstrasse 33, 52159 Roetgen GERMANY

Full name of second joint inventor: Josef \_\_\_\_ HODAPP

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Simmerer Strasse 7b, 50935 Köln GERMANY

Citizenship: German

Post Office Address: Simmerer Strasse 7b, 50935 Köln GERMANY

Full name of third joint inventor: Karl Heinz RONTHALER

Inventor's signature: Karl Heinz Ronthaler

Date: 20-10-2004

Residence: Neusser Strasse 15, 53909 Zulpich, GERMANY

Citizenship: DE

Post Office Address: Neusser Strasse 15, 53909 Zulpich, GERMANY

**RECEIVED**

JUL 01 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/516,562	06/16/2005	3746	1080	LYBZ2 00088	3	11	2

CONFIRMATION NO. 5128

27885

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 SUPERIOR AVENUE, SEVENTH FLOOR  
CLEVELAND, OH 44114

## FILING RECEIPT



\*OC00000016383474\*

Date Mailed: 06/28/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Rudolf Bahnen, Roetgen, GERMANY; ←

## Assignment For Published Patent Application

Leybold Vakuum GmbH, 50968 Koln, GERMANY

**Power of Attorney:** The patent practitioners associated with Customer Number 27885.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/05402 05/23/2003

## Foreign Applications

GERMANY 102 23 869.3 05/29/2002

Projected Publication Date: 10/06/2005

Non-Publication Request: No

Early Publication Request: No

## Title

Dual-shaft vacuum pump

**Exhibit 3****"DOCKETED"**



**Preliminary Class**

417

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control,

Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).